

## REMARKS

Claims 1-37 are currently pending in this application. In the Office Action ("OA")<sup>1</sup> mailed February 16, 2005, the Examiner objected to claims 3-6, 10-13, 18-21, 23-26, 28-31, and 33-36 because ":" should be changed to --,--. Since this issue is a matter of form only, and not related to patentability, Applicant has amended these claims accordingly.

The Examiner rejected claims 1-37 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,175,917 to Arrow (*Arrow*). Applicants hereby amend claims 1, 7, 8, 14-17, 22, 27, 32, and 37. Support for the amendment of claims 1, 7, 8, 14-17, 22, 27, 32, and 37 can be found throughout the Drawings and the Specification at, for example, Figure 2 and on page 12, lines 5-13. In view of the following remarks, Applicant respectfully traverses the Examiner's rejection of the claims under 35 U.S.C. § 102(e).

In order to properly anticipate Applicant's claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. 2131 (8<sup>th</sup> Ed., Aug. 2001), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." M.P.E.P. 2131 (8<sup>th</sup> ed., 2001), p. 2100-69.

---

<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Amended claim 1 provides for:

A method for communicating between a first private network and a second private network configured from nodes in a public network, comprising:  
receiving a packet from a source node in the first private network;  
determining whether the packet is destined for the second private network; and  
forwarding the packet over a channel to a destination node in the second private network based on the determination, wherein the channel comprises a plurality of virtual links through the public network that connects a plurality of channel nodes, the channel nodes including the source node and the destination node, such that only the channel nodes can communicate over the channel.

As noted above, the Examiner rejected claims 1-37 under 35 U.S.C. §102(e) as being anticipated by *Arrow*. With respect to claim 1, the Examiner alleged that *Arrow* discloses: receiving a packet from a source node in the first private network; determining whether the packet is destined for the second private network; and forwarding the packet to a destination node in the second private network based on the determination.

Applicant respectfully submits that *Arrow* does not suggest or teach the combination of steps recited in amended claim 1. For example, the reference does not disclose “forwarding the packet over a channel to a destination node in the second private network based on the determination, wherein the channel comprises a plurality of virtual links through the public network that connects a plurality of channel nodes, the channel nodes including the source node and the destination node, such that only the channel nodes can communicate over the channel,” as recited in amended claim 1.

*Arrow* discloses a method and system for swapping a computer operating system (title). *Arrow* selectively switches between storage memories via commands received over a virtual private network (“VPN”) so that a VPN unit may be selectively booted with

an alternate operating system program (col. 3, lines 2-20; col. 3, lines 35-40). Data packets are encapsulated in accordance with the Internet Protocol and transmitted from one member of a VPN to another member of the same VPN over a public data network (fig. 2; col. 7, lines 13-17).

In contrast, the claimed invention as demonstrated, for example in claim 1, recites the step of “forwarding the packet over a channel to a destination node in the second private network based on the determination, wherein the channel comprises a plurality of virtual links through the public network that connects a plurality of channel nodes, the channel nodes including the source node and the destination node, such that only the channel nodes can communicate over the channel.” *Arrow* teaches transmitting data packets that are encapsulated in accordance with the Internet Protocol from one member of a VPN to another member of the same VPN over a public data network (fig. 2; col. 7, lines 13-17). The use of VPN over a public data network as disclosed in *Arrow* is not sufficient to constitute the aforementioned “forwarding,” as recited in amended claim 1.

For at least the foregoing reasons, Applicant submits that the rejection of claim 1 is unsupported by *Arrow*. Because claims 7, 8, 14-17, 22, 27, 32, and 37 are independent claims with limitations similar to those of claim 1, Applicant further submits that the rejections of claims 7, 8, 14-17, 22, 27, 32, and 37 are not supported by *Arrow*, for at least the reasons given with respect to claim 1.

The rejections of dependent claims 2-6, 9-13, 18-21, 23-26, 28-31, and 33-36 are unsupportable for the reasons stated above with regard to their respective allowable base claims.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: June 16, 2005

By.   
Joshua C. Liu  
Reg. No. 55,391